

**B. A statement of claimed distinctions under Section 102 and 103.****Claim**

1. A basketball training device for use in returning to the shooter a basketball which has been shot into a basketball goal, the basketball goal having a rim, a rim support, and a net descending from the rim, comprising: a plurality of roller bearings sandwiched between an inner bearing being rigid having an inner diameter and an outer diameter and an outer bearing being rigid having an inner diameter and an outer diameter;

said inner bearing is attached to said basketball goal,

whereby said outer bearing can freely rotate with respect to said basketball goal;

bearing is an item selected from the following group:

a facsimile goal being rigid and having an inner diameter and outer diameter,

whereby chute devices can be attached to said facsimile goal whereby said basketball passes through said basketball goal, said inner bearing, said outer bearing and said chute device to be returned to the court at an angle determined by the rotation of said outer bearing,

and a chute having an interior through which the basketball is channeled away from the basketball goal at whatever direction said outer bearing is rotated to; whereby balls can be returned to any area of the court.

**Examiner's Rejection**

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deal (5,156,394).

Regarding claim 1, Deal shows a basketball-training device comprising an annular member (10) for being slidably received on a basketball rim (14) including an opening (16) for shooting basketballs into. Descending downwardly from the rim (14) and sloping inward is netting (18) acting as a chute, whereby balls can be returned to any area of the court, the rim (14) and netting (18) are part of the facsimile goal (hoop 12); the annular member (10) includes an interior surface (11) and an exterior surface (13). Deal shows the annular rim is manually rotatable with respect to the rim. Deal further shows the rim includes a plurality of hooks (see figures 6, 8, 9, 10 and 19). Deal does not disclose expressly the inclusion of roller bearings i.e. ball bearings to facilitate rotation. The Examiner takes official Notice that the use of ball bearings is old and well known and obvious to incorporate in order to facilitate rotation.

**Why Claim 1 is unique & Rebuttal to the rejection of claim 1:**

Claim 1, now rewritten, recites roller bearings sandwiched between an inner bearing and an outer bearing as well as a chute. This language distinguishes over Deal under Section 102 because Deal does not show or discuss either these means or the functions they enable as discussed further below. These distinctions are submitted to be of patentable merit under Section 103 because the roller bearings sandwiched between and inner bearing and an outer bearing [means] enable the outer bearing to freely rotate with respect to the inner bearing [function]. The chute [means] can direct the ball away from the basketball goal [function]. The facsimile goal allows other chute devices to be attached so that the ball can be directed away from the basketball goal. These results are superior to Deal as well as other prior patents which lack any suggestion of either the means or the resulting functionality. This solves a long-felt, long-existing, but unsolved need to return balls away from the basketball goal to any area of the basketball court.

**Deal: No mention of rotation**

The annular member [10 in Deal] described does not mention any ability to rotate with respect to the goal [12 in Deal] nor the means to do so. Several of Deal's embodiments specifically limit any incidental and unanticipated rotation capabilities there may be.

**Deal: No mention of a facsimile goal**

The annular member [10 in Deal] described does not mention any means by which other basketball chute devices can be attached

**Deal: Lip 60 runs into Support Bar 68 and limits rotation if there were any**

Further if the annular member [10 in Deal] were capable of the ability to rotate the lip [60 in Deal] that wrapped over the top of the rim [14 in Deal] it would run into the 'support bar' [68 in Deal shown in Figure 16] that connects the backboard [20 in Deal] to the rim [14 in Deal].

**Deal: Indentation 70 size issues – not all areas of the court**

While discussing the indentations [70 in Deal] in the lip [60 in Deal] at the 'appropriate point' to accommodate the 'support bar' [68] the patent states in column 5 line 1

"Obviously, there are many variations which may occur to lip 60 in order to accommodate any of a number of means of supporting the basketball hoop." However, Deal does not mention the consequences of the indentation 70 getting larger. As shown in Deal's figure 15 and figure 18 the ball could not be returned to any area of the court since the indentation [70 in Deal] is too small. This assumes that the annual member [10 in Deal] had the shape necessary to direct the ball away from the goal [12 in Deal]. This shortcoming in Deal is discussed below.

**Deal: Indentation 70 size issues – attachment, strength and durability**

As the indentation [70 in Deal] grows larger to allow the annual member to be rotated with respect to the goal [12 in Deal], the annular member [10 in Deal] would become less securely attached to the goal [12 in Deal].

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Also as the indentation [70 in Deal] grows larger the annual member would become weaker and consequently more likely to come loose from the goal [12 in Deal], deform or break when hit by a basketball. None of these issues and the trade offs between them are discussed in Deal.

Therefore it is respectfully submitted that it is not clear the Deal anticipated either the means or the functionality provided by the disclosed invention and in particular this first claim.

**Claim**

2. In accordance with claim 1 further that said basketball training device can be attached to and removed from said rim by use of a long rigid shepherd's crook having a looping end to loop over said rim and a tip after said looping end to engage said hook whereby a ladder is not required for either installation or removal.

**Examiner's Rejection**

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Regarding claim 2, Deal further shows the device (see figures 20-25) can be attached to or removed from a basketball goal (12) by use of the hooks and a shepherds crook having substantially a U-shaped tip (pole 86 having an end point 88 and a hook 90; see figure 17).

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**Why Claim 2 is unique & Rebuttal to the rejection of claim 2:**

**Shepherd's crook used with annual member only.**

The shepherd's crook [86 in Deal] is described as used in conjunction with the annular member [10 in Deal]. The shepherd's crook [86 in Deal] is not described in conjunction with an inner and outer bearing nor with a chute.

**Looping over the rim**

The shepherd's crook as claimed is shaped to loop over the rim to engage the hooks. As claimed and as described in the specification, Deal has no such equivalent feature which

allows it to capture the bearing assembly and not only lift if an put it into place on the goal but also remove the device from the goal.

#### Claim

3. In accordance with claim 1 further that said chute can be attached to and removed from said outer bearing by means of said shepherd's crook, said chute having a plurality of ends near which are features onto which said shepherd's crooks can engage, whereby a ladder is not required for installation and removal of said chute.

#### Examiner's Rejection

Regarding claim 3, Deal shows a chute (combination of annular member 10 and netting 18) can be attached to and removed from the bearing (14) by means of the shepherds crook (86).

#### Why Claim 3 is unique & Rebuttal to the rejection of claim 3:

##### **Deal attached to basketball goal's rim – not inner bearing**

Deal's chute is attached to and removed from a basketball goal, more specifically the rim of a basketball goal.

The chute claimed in dependent claim 3 is attached to and removed from an inner bearing of a basketball training device, not a basketball goal, nor the rim thereof.

##### **No discussion of the required shape of a chute**

The annual member [10 in Deal], is described as "The exact length that the annular member [10 in Deal] extends downward from the rim [14 in Deal] is not critical, as long as it forms a sufficient visual guide" [Column 3 lines 6 through 9 – underscore added] To perform the function of a chute, that is to guide the ball away from the rim [14 in Deal] the length and the shape is critical. First it needs to be long enough to allow the ball to pass under the rim [14 in Deal]. Second it needs to then bend to direct the ball

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away from the goal [12 in Deal]. Deal has no description of the annual member [10 in Deal] having either of these two required features that is enough.

**Loop may catch in net**

The loop [82 in Deal] is likely to get caught in the net which will limit any rotation.

If attached to the netting as described, the annual member [10 in Deal] will not be able to rotate. Further the shepherd's crook [86 in Deal] is not capable of completely attaching and detaching the annual member [10 in Deal] to the goal and net.

**As opposed to the means and functionality presented in this application**

As described in the specification, the functions of  
attaching to the basketball goal,  
rotating with respect to the basketball goal,  
directing the ball away from the basketball goal,  
and installation and removal from the basketball goal without a ladder  
are achieved by separate means,  
the inner bearing,  
the outer bearing and roller bearings,  
the chute and  
shepherd's crook respectively.

The applicant respectively submits that the separate chute and shepherds crook are of patentable merit under Section 103 because the chute and shepherd's crook enable the installation and removal of the chute as well as the directing away from the basketball goal functionality that is not anticipated by Deal. These results are superior to Deal as well as other prior patents which lack any suggestion of either the means or the resulting functionality. This solves a long-felt, long-existing, but unsolved need to return balls away from the basketball goal to any area of the basketball court.

**Claim**

4. In accordance with claim 1 further that there are a plurality of hooks made of a strong but springy material attached to said inner bearing by which said device can be attached to any basketball goal whereby it is difficult for said plurality of hooks to be removed from the basketball goal by a basketball hitting said device while still allowing the said shepherd's crook to install or remove said hooks , said hooks having a loop portion to curve around said rim and having a portion descending below said rim and having a portion which passes closely to the opposite side of said hook whereby said hooks will not easily be dislodged from said rim and having a portion which flairs away from said opposite side whereby said hooks may be more easily mounted on said rim.

**Examiner's Rejection**

Regarding claim 4, Deal shows the plurality of hooks (26) are made of a strong but springy material various embodiments have been disclosed for the mounting means; see column 3, lines 42-68 and column 4, lines 1-30).

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**Why Claim 4 is unique & Rebuttal to the rejection of claim 4:****Hooks not separate from annular member**

These tabs described in Deal are indeed described as being made of a springy material in various embodiments; however, they are described as fulfilling a holding function. There is no description of them enabling or allowing a rotation capability.

**As opposed to the means and functionality presented in this application.....**

As described in the specification, the functions of installation and removal from the basketball goal, holding to the basketball goal, and rotating with respect to the basketball goal, are achieved by separate means,

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the shepherd's crook,  
plurality of hooks and inner bearing,  
and the outer bearing and roller bearings respectively.

The applicant respectively submits that the separate shepherd's crook, plurality of hooks and inner bearing, roller bearings and outer bearing are of patentable merit under Section 103 because these five elements enable functionality that is not anticipated by Deal. These results are superior to Deal as well as other patents which lack any suggestion of either the means or the resulting functionality. This solves a long-felt, long-existing, but unsolved need to return balls away from the basketball goal to any area of the basketball court.

**Claim**

5. In accordance with claim 1 further that said plurality of hooks fold by a means allowing one part of said hook to rotate with respect to the other part of said hook, allowing the device to be substantially smaller with said hooks folded whereby the device can be more easily transported and stored.

**Examiner's Rejection**

Regarding claim 5, Deal shows the plurality of hooks (26) fold allowing the device to be smaller (second embodiment pertaining to figures 5 and 6).

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**Why Claim 5 is unique & Rebuttal to the rejection of claim 5:**

The hooks described in Deal are not described as folding.  
The hooks described in this application are folding.

**Claim**



6. In accordance with claim 1 further that said chute is foldable one portion is removable from another portion, each said portion has elements that can rotate allowing said chute to be substantially smaller whereby said chute can be more easily transported and stored.

**Examiner's Rejection**

Regarding claim 6, Deal shows the chute (combination of 10 and 18) is foldable allowing the chute to be substantially smaller.

**Why Claim 6 is unique & Rebuttal to the rejection of claim 6:**

**Annular member not described as folding**

The annular member [10 in Deal], which is never described as a chute, nor is it described as being able to direct the ball away from the basketball goal, is also not described as folding. This is further evidence that Deal did not anticipate the annular member [10 in Deal] be used in anything else besides a visual guide. Unlike a visual guide, a chute has length and shape requirements, as described in the rebuttal to rejection of claim 3, which means it will be relatively large and bulky unless there are specific means to allow it to become smaller when not in use. Adding folding capabilities increases the ease of use and functionality of the chute. Since Deal did not anticipate the annular member [10 in Deal] being used as a chute, there was no need to consider folding functionality.

**Claim**

7. In accordance with claim 1 further that passage of the ball through said basketball goal is restricted by one of the items selected from the following group said bearing, said plurality of roller bearings, said facsimile hoop, said plurality of hooks, and said chute whereby said ball will less easily pass through said basketball goal.

**Examiner's Rejection**

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Regarding claim 7, Deal shows the passage is restricted by one of the items selected from the group: the hooks (26).

**Why Claim 7 is unique & Rebuttal to the rejection of claim 7:**

**Deal fewer elements, less functionality.**

The device described by Deal has fewer elements and less functionality. The device described has more elements and functionality. Any one of the claimed elements can restrict the passage of the basketball.

**Claim**

8. In accordance with claim 1 further that said device does not rest on the floor of the basketball court whereby said device does not impede the area of play.

**Examiner's Rejection**

Regarding claim 8, Deal shows the device does not rest on the floor (see figures 1 and 17).

**Why Claim 8 is unique & Rebuttal to the rejection of claim 8:**

**Deal fewer elements, less functionality.**

Deal has fewer elements with less functionality, making it easier to not rest on the floor.

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**Claim**

9. In accordance to claim 1 further that said plurality of roller bearings includes an item selected from the following group a plurality of ball bearings, and a plurality of cylinder bearings whereby smooth rotation between said inner bearing and said outer bearing is enabled.

**Examiner's Rejection***Allowable Subject Matter*

6. The indicated allowability of claim 9 is withdrawn in view of the newly discovered reference(s) to Deal in view of Official Notice. Rejections based on the newly cited reference(s) follow.

**Claim 9 Modified**

The claim has been modified to meet U.S.C. 112.

**Claim**

10. In accordance with claim 1 further that the said inner bearing is attached to said basketball goal's support so that it does not interfere with the top surface of the top of said basketball goal whereby said ball striking the said top of said basketball goal will behave as said ball normally do despite the fact that said device is attached.

**Examiner's Rejection**

Regarding claim 10, Deal further shows the means by which the bearing (14) is attached to the basketball goal (12) does not interfere with the top surface of the basketball goal (see figures 26-30).

**Why Claim 10 is unique & Rebuttal to the rejection of claim 10:**

Deal – figures 26 through 28 interferes with top of rim and does not allow rotation

Deal's embodiments shown in Figures 26 through 28 clearly shows the lip [60 in Deal] above the rim [14 in Deal] so that the ball would strike Deal's invention rather than the rim. Further the wedge [92 in Deal] will run into the eyelets [26 in Deal] preventing rotation in Figures 26 and 27. The resilient clip [96 in Deal] shown in Figures 28 and 29 will run into the eyelets [26 in Deal] preventing rotation.

**Figures 29 and 30 – no rotation**

The annular member [10 in Deal] shown as being woven together with the special netting [18 in Deal] does allow the basketball to strike the top of the rim rather than the Deal's device. However, this provides a number of problems. First it would take some time to install or remove from the basketball goal that is, to weave the special netting [18 in Deal] and annular member [10 in Deal] together to each other and the eyelets [26 in Deal]. Second, installation and removal could not be done without a ladder. Third, this weaving together would also prevent rotation.

**Device as claimed provides means and functionality Deal does not**

The device as claimed provides the means attaching the inner bearing to the basketball goal enabling the functionality of returning the ball to any area of the court without interfering with the top surface of the basketball goal. This provides both a means and functionality that is not anticipated by Deal or other patents and that is superior.

**Claim**

11. In combination, for use in returning to the shooter a basketball which has been shot into a basketball goal, having a rim, a rim support, and a net descending from the rim, a device comprising an item selected from the following group:

a facsimile of a rim being enough of an approximation of said rim to allow chute devices designed to attach to said rim to also attach to said facsimile rim and whereby said chute devices can channel said basketball away from said basketball goal,  
and

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a chute having an interior surface for channeling said basketball away from said goal

said item is connected to an outer bearing member circular in shape with an outer diameter and an inner diameter; held between said outer bearing member and an inner bearing member, circular in shape with an outer diameter and an inner diameter, there is a plurality of roller bearings

whereby said outer bearing can rotate freely with respect to said inner bearing, whereby said item can be re-directed to return said ball to one area of the court or another,

attached to said inner bearing is an item selected from the following group: said rim support,

whereby said basketballs striking said rim are not deflected by said device, and a plurality of hooks being of a shape to pass over said rim and stay in place despite repeatedly being struck by said basketball

whereby said device can be attached to said basketball goal and not rest on the ground.

**Examiner's Rejection**

Regarding claim 11, Deal shows a basketball-training device comprising an annular member (10) for being slidably received on a basketball rim (14) including an opening (16) for shooting basketballs into. Descending downwardly from the rim (14) and sloping inward is netting (18) acting as a chute, whereby balls can be directed away from the goal, the annular member (10) includes an interior surface (11) and an exterior surface (13). Deal shows the annular rim is manually rotatable with respect to the rim. Deal further shows the rim includes a plurality of books (see figures 6, 8, 9, 10 and 19). Deal does not disclose expressly the inclusion of roller bearings i.e. ball bearings to facilitate rotation. The Examiner takes official Notice that the use of ball bearings is old and well known and obvious to incorporate in order to facilitate rotation.

**Why Claim 11 is unique & Rebuttal to the rejection of claim 11:****Deal fewer elements, less functionality.**

Claim 11, now rewritten, recites four elements: roller bearings sandwiched between and inner bearing and an outer bearing as well as a chute/facsimile goal where Deal only recites one, an annular member [10 in Deal]. This language distinguishes over Deal under Section 102 because Deal does not show or discuss neither these means nor the functions they enable. These distinctions are submitted to be of patentable merit under Section 103 because the roller bearings sandwiched between and inner bearing and an outer bearing enable the outer bearing to freely rotate with respect to the inner bearing. The chute can direct the ball away from the basketball goal. The facsimile goal allows other chute devices to be attached so that the ball can be directed away from the basketball goal. These results are superior to Deal as well as other prior patents which lack any suggestion of either the means or the resulting functionality. This solves a long-felt, long-existing, but unsolved need to return balls away from the basketball goal to any area of the basketball court.

**Deal: No mention of rotation**

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The annular member [10 in Deal] described does not mention any ability to rotate with respect to the goal [12 in Deal] nor the means to do so.

**Deal: No mention of a facsimile goal**

The annular member [10 in Deal] described does not mention any means by which other basketball chute devices can be attached

**Deal: Lip 60 runs into Support Bar 68 and limits rotation if there were any**

Further if the annular member [10 in Deal] were capable of the ability to rotate the lip [60 in Deal] that wrapped over the top of the rim [14 in Deal] it would run into the 'support bar' [68 in Deal shown in Figure 16] that connects the backboard [20 in Deal] to the rim [14 in Deal].

**Deal: Indentation 70 size issues – not all areas of the court**

While discussing the indentations [70 in Deal] in the lip [60 in Deal] at the 'appropriate point' to accommodate the 'support bar' [68 in Deal] the patent states in column 5 line 1 "Obviously, there are many variations which may occur to lip 60 in order to accommodate any of a number of means of supporting the basketball hoop." However, Deal does not mention the consequences of the indentation 70 getting larger. As shown in Deal's figure 15 and figure 18 the ball could not be returned to any area of the court since the indentation [70 in Deal] is too small. This assumes that the annual member [10 in Deal] had the shape necessary to direct the ball away from the goal [12 in Deal]. This shortcoming in Deal is discussed below.

**Deal: Indentation 70 size issues – attachment, strength and durability**

The indentation [70 in Deal] weakens the attachment to the rim, as it grows larger to allow the annual member to be rotated with respect to the goal [12 in Deal], the annular member [10 in Deal] would become less securely attached to the goal [12 in Deal]. Also as the indentation [70 in Deal] grew larger the annual member would become weaker and consequently more likely to come loose from the goal [12 in Deal], deform or

break when hit by a basketball. None of these issues and the trade offs between them are discussed in Deal.

**Deal – no mention of roller bearings**

While the use of bearings, ball or of another type may be “old and well known and obvious” as suggested in the office action, they have been used in a unique combination with the other elements described in this patent application so that all together the combination of all these elements is unique as is the result solving a long felt problem of not just returning the ball to the shooter at one particular angle from the basketball goal, but quite easily to any area of the court. The applicant submits that this combination of elements, so of which may or may not be well know, has not been used nor described previously.

Therefore it is respectfully submitted that it is not clear the Deal anticipated either the means or the functionality provided by the disclosed invention and in particular this first claim.

**Claim**

In accordance with claim 11 further that said device can be attached to and removed from a basketball goal by use of said plurality of hooks and a shepherd's crook being long enough to reach said basketball goal and having a looping end to loop over said rim and a tip after said looping end to engage said hooks to allow said hooks to be installed and removed, whereby a ladder is not required for installation or removal.

**Examiner's Rejection**

Regarding claim 12, Deal further shows the device can be attached to and removed from the basketball goal by use of a hooks (26) and a shepherds crook (pole 86 having an end point 88 and a hook 90, see figure 17).



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**Why Claim 12 is unique & Rebuttal to the rejection of claim 12:**

The shepherd's crook 86 is described as used in conjunction with the annular member [10 in Deal]. The shepherd's crook 86 is not described in conjunction with the hooks [lips, 60 in Deal] to install or remove the invention from the basketball goal. The shepherd's crook 86 is only described in conjunction with the annular member [10 in Deal] nor does it have a looping portion to loop over the rim.

**Claim**

13. In accordance with claim 12 further that said hooks are made of a strong but springy material

and said hooks have a loop portion to curve up and over said rim

and a portion descending below said rim

and a portion which passes closely to the opposite side of said hook

whereby said hooks will not easily be dislodged from said rim

and have a portion which flairs away from said opposite side

whereby said hooks may be more easily mounted on said rim.

**Examiner's Rejection**

Regarding claim 13, note the rejection of claim 4.

Please see rebuttal to the rejection of claim 4.

**Claim**

14. In accordance with claim 11 further that said plurality of hooks fold such that the angle between one side of said hook and the other side of said hook change allowing the device to be substantially smaller while folded whereby the device can be more easily transported and stored.

**Examiner's Rejection**

Regarding claim 14, note the rejection of claim 5.  
Please see rebuttal to the rejection of claim 5.

**Claim**

15. In accordance with claim 11 further that said chute can be attached to and removed from said outer bearing by means of said shepherd's crook said chute having a plurality of ends near which are features onto which said shepherd's crooks can engage, whereby a ladder is not required to install or remove said chute.

**Examiner's Rejection**

Regarding claim 15, note the rejection of claim 3.  
Please see rebuttal to the rejection of claim 3.

**Claim**

16. In accordance with claim 11 further that said chute is foldable, one portion able to rotate relative to another portion allowing said chute to be substantially smaller when not in use then whereby said chute can be more easily transported and stored.

**Examiner's Rejection**

Regarding claim 16, note the rejection of claim 6.  
Please see rebuttal to the rejection of claim 6.

**Claim**

17. In accordance with claim 11 further that passage of said ball through said basketball goal is restricted by one of the items selected from the following group said inner bearing, said outer bearing, said plurality of roller bearings, said

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facsimile hoop, said plurality of hooks, and said foldable chute whereby making shots is more difficult.

**Examiner's Rejection**

Regarding claim 17, note the rejection of claim 7.

Please see rebuttal to the rejection of claim 7.

**Claim**

18. In accordance with claim 11 further that said device does not rest on the floor of the basketball court whereby said device does not impede the area of play.

**Examiner's Rejection**

Regarding claim 18, note the rejection of claim 8.

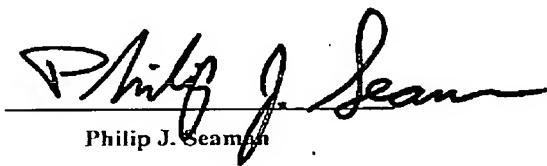
Please see rebuttal to the rejection of claim 8.

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The applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore it is submitted that this application is now in condition for allowance, which action I respectfully solicit.

It is submitted that patentable subject matter is clearly present. If the examiner agrees but does not feel that the present claims are technically adequate, the applicant respectfully requests that the examiner write acceptable claims pursuant to MPEP 707.07(j).



January 18, 2008

Philip J. Seaman

**Certificate of Facsimile Transmission**

I hereby certify that on the date below I will fax this communication, and the attachments, if any, to the Patent and Trademark Office at the following number:  
(571) 273 -8300

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